

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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STEVEN BARKER, JOHN BECKER,  
PATRICK BORNT, WILLIAM  
BOWLES, JOHN COMITALE,  
ROBERT FITZGERALD, RANDALL  
FRENCH, ROBERT GAUDETTE,  
BRIAN GROSS, ROBERT HAYDEN,  
JEFFREY HOOVER, SEAN KITTLE,  
MARK MALOY, MICHAEL PARROW,  
KEVIN SESSIONS, and MATTHEW  
MONTANINO,

Plaintiffs,

-against-

1:10-CV-01488  
(LEK/RFT)

THE CITY OF TROY, NEW YORK;  
HARRY TUTUNJIAN, *in his official  
capacity as Mayor of the City of Troy,  
New York; and JOHN TEDESCO, *in his  
official capacity as Chief of Police of the  
City of Troy, New York,**

Defendants

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**RANDOLPH F. TREECE  
United States Magistrate Judge**

**REPORT-RECOMMENDATION and ORDER<sup>1</sup>**

On December 9, 2010, the Plaintiffs commenced this action seeking injunctive and declaratory relief and to recover unpaid overtime wages that are owed to the Plaintiffs by the Defendants, as well as liquidated damages pursuant to the Fair Labor Standard Act, 29 U.S.C. §§ 201 *et seq.* Dkt. No. 1.

On January 25, 2012, this matter comes before the Court on an application seeking approval of their Stipulation of Settlement. Dkt. No. 25.

Having reviewed the Stipulation of Settlement, the case docket, and the proceedings in this

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<sup>1</sup> By an Order, dated January 27, 2012, the Honorable Lawrence E. Kahn, Senior United States District Judge, referred this matter to this Court for a Report and Recommendation.

action, and good cause appearing therefore, this Court finds said Settlement, in all respects, fair, just, reasonable, and adequate to the settling Plaintiffs. Accordingly, this Court RECOMMENDS that the Settlement be approved.

### CONCLUSION

For the reasons stated herein, it is hereby

**RECOMMENDED**, that the Stipulation of Settlement, Dkt. No. 25, and all of its terms be approved; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Report-Recommendation and Order upon the parties to this action.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen (14) days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

**FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN (14) DAYS WILL PRECLUDE APPELLATE REVIEW.** *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993) (citing *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15 (2d Cir. 1989)); *see also* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72 & 6(a).

Date: January 30, 2012  
Albany, New York



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Randolph F. Trece  
U.S. Magistrate Judge